

ARTICLE 11.

SITE DESIGN STANDARDS

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ARTICLE 11.

SITE DESIGN STANDARDS

Sec. 18-551. Access.

(a) Every structure hereafter erected or moved within the City limits shall be on a lot adjacent to a street which meets one (1) of the following conditions:

- (1) A street which has been accepted by the City of Wilmington as a public street;
- (2) A proposed dedicated, but unopened street provided such street, as approved, will meet or exceed the minimum City standards for design and construction, and further provided a surety has been approved and accepted in accordance with the subdivision regulations of the City of Wilmington; or
- (3) A private street or private access easement provided such street or easement meets or exceeds the requirements of section 18-397 of the Subdivision Regulations of the City of Wilmington.

(b) Townhouses, as defined in the definition section of this chapter, are exempt from the requirements of this section; provided, however, such lots shall be subject to the subdivision regulations of the City of Wilmington. Where structures are erected or moved on a lot which meets the requirements of this chapter and said structures are not located immediately adjacent to streets described above (such as in case of apartment buildings or manufactured housing parks), said structures shall be provided with access thereto by means approved by the City Manager or designee as to its suitability for all-weather travel by public and emergency vehicles; and provided further that appropriate agreements or covenants approved by the City Attorney provide for continued maintenance of such streets and access ways.

(c) In multiple-family development, a private driveway is not to be a through street. Private driveways in multiple-family developments which abut two (2) or more public or private streets shall be designed so as to discourage all through traffic.

(d) Private driveways providing access to uses in nonresidential districts shall be prohibited through residential districts.

(e) Access to nonresidential uses in nonresidential districts shall be prohibited through single family residential districts, except that this prohibition shall not apply if passage through a single family residential district is the only access available to the property on which the nonresidential use is located and this prohibitions hall not apply if said access is developed as required by an adopted transportation plan as referenced in Article 7 Division II Sec. 18-386. Transportation Plans. Within the Central Business District, access through single family residential districts to nonresidential uses in mixed use buildings may be allowed provided that the square footage for nonresidential uses shall not exceed the square footage of the ground floor of the building.

Sec. 18-552. Overhead canopy.

Any structure placed over, around or near a fuel pump island and intended to provide lighting and/or protection from the elements for fuel pump users shall be considered an overhead canopy. Minimum setback distances shall be determined by measuring a straight line distance from the nearest point of the required reference boundary (i.e., street right-of-way, zoning district line or property line) to the point on the ground surface which is perpendicular to the closest edge of the canopy overhang. Setback distances for overhead canopies are as follows:

District	Distance
O&I 1 & 2	15 feet from any street right-of-way and, 25 feet from any residential district or residential property line
CB	10 feet from any street right-of-way and, 15 feet from any residential district or residential property line
RB, CBD, CS, AI, LI, IND	Not restricted from any street right-of-way and, 15 feet from any residential district or residential property line

Sec. 18-553. Dropoff/pickup area.

(a) A dropoff/pickup area is an off-street location for vehicles allowing the immediate loading or unloading of passengers. Such areas are not to be used for off-street parking unless the approved design clearly indicates off-street parking spaces. The design shall be reviewed in accordance with the City's Technical Standards and Specifications Manual, with final design approved by the City.

(b) Dropoff/pickup areas shall be required for day care centers, schools or other similar uses.

Such areas shall be located outside the public right-of-way, and be designed to provide maneuvering and turn-around area for vehicles without requiring vehicle movements within the travel lanes of any adjacent street.

Sec. 18-554. Fences, walls, and screens.

(a) A fence, wall or screen for the purposes of privacy and/or security may be located in any required yard provided:

(1) Section 18-556 of this article is observed;

(2) In nonresidential districts:

a. No such solid visual obstruction exceeds three (3) feet in height in any yard adjacent to a street; and

b. The activities of the principal use may not extend into a front yard that is screened

by a solid fence, wall or shrubbery screen (e.g., a restaurant shall not enclose the front yard with a solid fence for the purpose of providing customers a lounge, a bar or an eating area).

(b) No open wire fence of a type that could inflict injury from casual contact (such as barbed wire fence) is permitted below a height of six (6) feet in any district. Other types of open wire fencing (such as hurricane and chain link fencing) may be erected in any yard.

(c) The height of a fence, wall or screen shall be measured from the average undisturbed grade of the adjacent property.

(d) Within residential zoning districts, except locally designated historic districts and historic overlay districts, the following fence, wall or screen, height limits shall apply:

1. Within front yards, the height for fences, walls, or screens shall be limited to four (4) feet except that the board of adjustment shall hear and decide requests for variances to allow height up to six (6) feet within front yards adjacent to thoroughfares, as defined in the city's *Technical Standards and Specifications Manual*. The variance request application shall include information on the factors set forth below, other requirements of this section and chapter, and any other information pertinent to granting the variance.

In hearing the request for the height variance, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in this section and chapter, and the *Technical Standards and Specifications Manual*, and compliance with the following requirements:

- a. The fence, wall or screen shall be setback a minimum of one half (1/2) the distance of the required front yard setback for the district or fifteen (15) feet, whichever is greater;
 - b. At least fifty (50) percent of the area of the fence, wall, or screen above four (4) feet shall be open along the entire length such that clear vision is possible from one side to the other; and
 - c. Additional conditions may be specified to maintain safe access, ingress, and egress to and from the subject and surrounding properties.
2. Within any side or rear yard, the maximum height for any fence shall be eight (8) feet;
 3. Fence height limits shall not apply to electric/gas substations, water/sewer treatment plants or facilities, municipal water storage facilities, waste treatment facilities, or government facilities; and
 4. Fence height limits shall not apply to chain link fences surrounding tennis courts or ball field backstops. Fences for private tennis courts shall be within the required setbacks for accessory uses in that zoning district.

(e) In all zoning districts, chain link, woven wire, and electric and barbed wire fences shall be prohibited in front yards, except on bona fide farms, electric and gas substations, and government facilities. Fences and walls of exposed concrete block, tires, junk or other discarded materials shall be prohibited.

(f) A fence, wall, or screen shall not impede access by emergency services to the subject and surrounding properties.

(g) A fence, wall, or screen shall be installed with the finished side facing adjoining properties and rights-of-way.

(h) A fence, wall, or screen shall be maintained in a sturdy upright position free from any broken or missing parts, slats or boards. Finishes shall be maintained in good condition.

Sec. 18-555. Fuel pump island.

For the purpose of determining setback distances required by this chapter, the outer edge of any supportive structure (concrete or other types of bases), physically connected to a fuel pump and the ground, shall be the part of the fuel pump island from which all such measurements are made. Minimum setback distances shall be determined by measuring a straight line distance from the nearest point of the required reference boundary (i.e., street right-of-way, zoning district boundary or property line) to the closest edge of the fuel pump island. Setback distances for fuel pump islands are as follows:

District	Distance
CB, NB	20 feet from any street right-of-way and, 40 feet from any residential district or residential property line"
RB, CBD, CS, AI, LI, IND	12 feet from any street right-of-way and, 40 feet from any residential district or residential property line

Sec. 18-556. Vision clearance.

In order to maintain an acceptable and safe line of sight for motor vehicle drivers, no parking spaces, fences, walls, posts, lights, shrubs, trees or other type of obstructions not specifically exempted shall be permitted in the space between thirty (30) inches above ground level and ten (10) feet above ground level within a triangular sight distance. Notwithstanding the defined triangular sight distance for the major thoroughfares listed in the City of Wilmington Technical Standards and Specifications Manual, the required triangular sight distance for any street intersections with said thoroughfares shall be provided in compliance with the American Association of State Highway and Transportation Officials sight distance standards for roadway of similar classifications, intersections signalization/signage, and rated speeds. Triangular sight distance requirements for driveways may be reduced or waived by the City Manager on the downstream end of one-way roadways and at one-way driveways entering site. The requirements of this section shall not apply to approved traffic control devices, approved utility structures, or principal structures erected within the Historic District and Central Business District. All elevation

measurements shall be taken from the street surface at the centerline of said street.

Sec. 18-557. Limitations on outdoor display and storage of merchandise.

It is the intent of this ordinance to allow the limited display and storage of merchandise, but not where the display and/or storage of such items impedes the flow of pedestrian or vehicular traffic, or creates an unsafe condition. The display and storage of merchandise shall meet the following conditions:

- (a) All outdoor display of goods shall be located immediately adjacent to the storefront and not in drive aisles, loading zones, fire lanes or parking lots.
- (b) The area used for outdoor display and storage shall be limited to no more than one-half (1/2) the length of the storefront. In the case of a shopping center, the storefront shall include the entire frontage of the shopping center, meaning that the total amount of display for all the in-line tenants combined shall not exceed fifty (50) percent of the aggregate storefront of the overall shopping center.
- (c) No merchandise shall be attached to a building's wall surface.
- (d) At least five (5) feet along the parking lot side of the display shall be maintained free of obstruction to allow for pedestrian and handicap movement, such that pedestrians and handicapped pedestrians do not have to enter the parking lot, loading zone or drive aisle to walk around the display and storage area. Handicap ramps and landscaping shall not be located within the five (5) foot clear pedestrian area.
- (e) The area of outdoor display shall not encompass the width of the entrance and/or exit doors to the facility as projected straight out from the facility. For example, if the width of the entrance and/or exit doors is ten (10) feet, then there shall be at least a ten (10) foot clearance from the doors as projected straight out and away from the facility. The displays shall not obstruct the view of pedestrians and handicapped pedestrians entering or exiting while in this ten (10) foot corridor from vehicles in the parking lot or loading zone.
- (f) The technical review committee may approve storing or displaying items in a parking area that is adjoining the building only if a revised site plan is submitted that clearly delineates the area for storage or display and eliminates the area for parking. The material or merchandise may not be located in required parking spaces and vehicular and pedestrian movement may not be inhibited.
- (g) This regulation shall not apply to businesses that are five thousand (5,000) square feet or less, and shall not apply to the following principal uses: auto and truck dealers, auto renting and leasing, boat dealers, camper equipment, farmer's market, flea market, fruit and vegetable market, heavy equipment rental and leasing, lawn and garden stores, lumber yards, manufactured housing, and outdoor recreation products. Shopping carts and shopping cart corrals are exempt from this ordinance. However, this exemption does not allow storing or displaying items in drive aisles, loading zones, fire lanes or where safe movement of pedestrians, handicapped pedestrians or vehicles is compromised.

- (h) All storage and display not in compliance with these requirements prior to the date of adoption shall be rendered in compliance prior to November 1, 2002.

Secs. 18-558--18-565. Reserved